

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1201 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, by the petitioner-appellant-accused is directed against the order, dated 25.01.2017, of the learned Additional Metropolitan Sessions Judge, Cyberabad at L.B. Nagar, Hyderabad, passed in CrI.MP.No.9 of 2017 in CrI.A.No.73 of 2017.

I have heard the submissions of *Sri V. Raghunath*, learned counsel for the petitioner, the learned Public Prosecutor (TG) representing the 2nd respondent-State. There is no representation for the 1st respondent-complainant. I have perused the material record.

By the order impugned in this revision, the learned Metropolitan Sessions Judge, while suspending the sentence imposed by the trial Court against the petitioner-appellant and while enlarging him on bail, imposed a condition to deposit 1/4th of the compensation amount of Rs.6,50,000/- within three months from the date of the said order and further held that on the failure of the petitioner to make the deposit, the petitioner shall be taken into custody.

Learned counsel for the petitioner-accused would submit that the right of appeal is a statutory right as well as a constitutional right and that the condition imposed is a onerous condition and that considering the financial position and the fair chances of success the petitioner has got in the appeal, the onerous condition imposed may be relaxed. He would further submit that the petitioner is prepared to abide by any reasonable conditions that may be imposed by this Court while modifying the order impugned in the revision.

Having regard to the facts & submissions and the legal position in the decisions in Dilip S. Dhanukar v. Kotak Mahindra Co.Ltd., and another¹ and Amarveer Singh v. State², this Court is of the considered view that in a case of this nature, the condition imposed by the Court below as a condition precedent for enlarging the petitioner on bail despite the fact that right of appeal is a constitutional and statutory right needs modification.

In that view of the matter, the Criminal Revision Case is partly allowed and the order impugned is modified insofar as the condition directing the petitioner to deposit 1/4th of the compensation amount and instead the petitioner is directed to deposit Rs.1,00,000/- [Rupees One Lakh only] to the credit of C.C.No.161 of 2016 on the file of the Court of the learned X Special Magistrate at Hastinapuram, Ranga Reddy District, within four (04) weeks from today. It is made clear that on failure of the petitioner to make the deposit as directed supra, the Court below shall be at liberty to proceed in accordance with the procedure established by law. As and when the petitioner deposits the afore-said amount, the 1st respondent-complainant is permitted to withdraw the same by following the procedure established by law. However, the Court below shall endeavour to dispose of the appeal as expeditiously as possible and preferably within a period of three (03) months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

05.07.2017
Vjl

¹ (2007) 6 SCC 528

² LAWS(RAJ)-2009-9-76